

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cause No. 1:12-cr-0011-JMS-MJD
)	
MICHAEL J. PATTERSON,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Having reviewed Magistrate Judge Denise K. LaRue's Report and Recommendation that Michael J. Patterson's supervised release be modified, pursuant to Title 18 U.S.C. ' 3401(i), Rule 32.1(a)(1) *Federal Rules of Criminal Procedure* and Title 18 U.S.C. ' 3583, the Court now approves and adopts the Report and Recommendation and modifies Mr. Patterson's supervised release as follows:

(1) Mr. Patterson is to serve a period of 90 days' incarceration; however, Mr. Patterson is to receive credit for 90 days he was incarcerated for violating the terms and conditions of his conditional release in *Commonwealth v. Patterson*, Case No. 07-CR-01009, in the Warren Circuit Court, Warren County, Kentucky ("the Kentucky state case"); and

(2) Mr. Patterson is to receive credit for the time he was incarcerated on his violation of his conditional release in the Kentucky state case towards the ten year period of supervised release in the instant case.

The Court further approves and adopts the Report and Recommendation and modifies the following terms and conditions of Mr. Patterson's supervised release:

Mr. Patterson moved to modify two conditions of his supervised release in the instant case: (1) Removal of the ban on possession of “obscenity, pornography, erotica, or nude images”; and (2) Modification of the consent to search condition to include a prerequisite of reasonable suspicion of criminal activity.

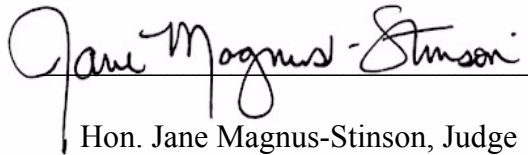
As regards the condition of supervised release that bans Mr. Peterson from possessing “obscenity, pornography, erotica, or nude images,” this ban has been modified as indicated below. *United States v. Siegel*, Nos. 13-1633, 13-1640, and 13-1767, 2014 WL 2210762 at *6-7 (7th Cir. May 29, 2014). The defendant shall not possess any pornography, erotica or nude images if the same is detrimental to his/her treatment progress as determined by the treatment provider. Any such material found in the defendant’s possession shall be considered contraband and may be confiscated by the probation officer.

As the regards the condition of supervised release that requires Mr. Patterson to “submit to the search (with the assistance of other law enforcement as necessary) of his person, vehicle, office/business, residence and property, including computer systems and peripheral devices,” any search is subject to reasonable suspicion concerning a violation of a condition of supervised release or of unlawful conduct, *United States v. Farmer*, No. 13-3373, 2014 WL 2808079 at *4 (7th Cir. June 23, 2014), or concerns for

safety of law enforcement and probation officers. All other terms and conditions of defendant's supervised release in the instant case remain in full force and effect.

SO ORDERED in Indianapolis, Indiana.

September 15, 2014

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive, flowing style. The first name "Jane" is written with a large, looped capital "J". The last name "Stinson" is written with a large, looped capital "S". The signature is written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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U. S. Marshal Service